

**West Mojave Plan
Task Group 1
Green Tree Inn, Victorville
March 6, 2002**

Attendees

Task Group: Ileene Anderson, Marie Brashear, Paul D. Condon, Mike Connor, Tom Dailor, Adrienne D, Sonya Earll, Chris Eckert, Alisa Ellsworth, Clarence Everly, Jeri Ferguson, Ken Foster, Margaret Grams, Mark Hagan, Jeanette Hayhurst, Chuck Holloway, Peter Kiriakos, Paul Kober, Charles LaClaire, Laurie Lile, Brian Ludicke, David Matthews, James McRea, Sophia Merk, Tonya Moore, Steven Morgan, Lorelei H. Oviatt, Tim Read, Bob Sackett, William Scheck, Jim M. Schroeter, Randy Scott, Courtney Smith, Debbie Stevens, Julie Striplin, Robert Strub, Barbara Veale, Ed Waldheim, Pete Westman, Martin Wilkins, Darrell Wong.

West Mojave Team: Bill Haigh, Larry LaPre, Ed LaRue, Valery Pilmer.

Introduction

Bill Haigh opened the meeting at 9:40 AM and introductions were made.

Haigh asked for any changes to the February 11, 2002 meeting notes. Mike Connor noted some typos in the meeting notes and also asked that his comments on page 6 under the discussion of the western pond turtle be modified to clarify that female turtles go farther than 200 feet to lay their eggs. Randy Scott asked that his comments on Page 4 in regards to the Brisbane Valley be modified to indicate that the boundary of the Mojave monkeyflower conservation area should be changed to exclude the southern approximately ten square miles where most of the private property conflicts exist. Scott also asked that his comments in the same section need to reflect the county's serious concern with the significant change in policy for this area (target area for land tenure adjustment exchanges vs. a proposed conservation area). Scott also asked that the section regarding a proposed conservation area for the gray vireo on page 6 be expanded to more thoroughly reflect the discussion regarding the range of this species and his concern expressed regarding the impact to private property owners.

Bill Haigh noted that the Bureau of Land Management (BLM) website is now up and running. He cautioned that it may close down again if the Justice Department finds any security issues for the Indian Trust Funds.

Mike Connor asked about species not listed in any of the accounts such as the yellow-eared pocket mouse. Larry LaPre indicated he would address that issue first.

Bill Haigh noted that there will be two more meetings of Task Group 1. The next meeting is

scheduled for March 21st and the second for April 8th. Haigh indicated that the final meeting will cover clean-up issues, the DWMA and HCA boundaries, and will include a presentation by Dr. Morafka on head starting. The route designation network for the DWMAs will also be available at the April 8th meeting. Randy Scott asked that the meeting notes for today's meeting enumerate the discrete tasks that will be considered during the next meetings.

Ileene Anderson said that California Native Plant Society and Center for Biological Diversity will be submitting a listing package for desert cymopterus. Anderson would like to see this species included within the plan. It was noted that this species is within the Central Bioregion.

Multi-Species Clean-up Issues

- **Proposed Critical Habitat - Carbonate Endemics**

Larry LaPre indicated that there is a new proposed designation for critical habitat for the carbonate endemics covering approximately 13,000 acres. The critical habitat designations would include polygons around areas where existing occupied habitat is known. He noted that the more constrained designation may partly be a reaction to a recent settlement vacating critical habitat for the gnatcatcher which was considered by some as overly broad. LaPre indicated that this settlement may result in critical habitat for other species being reconsidered (i.e. the arroyo toad and red-legged frog).

- **Natural Communities Conservation Plan (NCCP)**

SB107 has been signed by Governor Davis. The legislation replaces the previous NCCP legislation, and appears to be more logical and comprehensive. Darrell Wong noted that the new legislation brought into law the policies and guidelines developed for NCCP. LaPre and Haigh met with California Department of Fish and Game (CDFG) representatives to see whether the West Mojave Plan could become an NCCP program. An advantage of the NCCP program is that it clearly addresses the ability of CDFG to grant coverage for unlisted species.

- **Amended Stipulation**

In response to an earlier question posed by Jeri Ferguson, Larry LaPre noted that an amended stipulation to the Center for Biological Diversity settle agreement was signed by the BLM last Friday. LaPre noted that there are a number of changes to the original agreement, and indicated he was unable to discuss these as the amendment must go to the judge overseeing the litigation for approval. Jeri Ferguson provided her perspectives on the amendments. Ferguson indicated she had never heard of the Western Colorado Plan, and noted that the amendment calls for completion of that plan by January 2003. Ferguson also noted that the amendments include an interim closure of routes within the Rand ACEC to be effective March 30, 2002. This amendment was in response to a notice

of intent to sue the BLM on the Rand Mountains/Fremont Valley Management Plan filed by the Center for Biological Diversity. Ferguson noted that she did not know how many routes within the management plan were affected by this, but she did believe that the Rand Plan must be incorporated into the West Mojave Plan. She asked whether this plan will be reopened for discussion or not. Mike Connor noted that the Rand Plan specifically said it would be modified by the West Mojave Plan. Bill Haigh indicated the Rand issue will be on the table at the next meeting.

- **Conservation on Military Lands**

Larry LaPre noted that the March 7, 2002 meeting regarding conservation on military lands was canceled as Ray Bransfield, United States Fish and Wildlife Service (USFWS), will be unable to attend. It is unknown when this meeting will be rescheduled.

- **Deferred Species**

Larry LaPre indicated he would offer a proposal for deferred species (mountain plover, desert cymopterus, and burrowing owl) at the next Task Group 1 meeting. LaPre noted that there is little the plan can do for the mountain plover, and indicated that the real threat to this species is in conservation of prairie lands. LaPre also indicated he will be presenting a plan suggested by Lorelei Oviatt requiring clearance surveys for the burrowing owl. Lorelei Oviatt clarified that she had never suggested that clearance surveys everywhere was the answer for the burrowing owl, rather she indicated that if we feel the owl will be listed, then a proposal needs to be developed and CDFG needs to say what it will require in order to cover the species. Oviatt indicated that a primary incentive for local jurisdictions to participate in the plan will be lost if clearance surveys are required everywhere. Darrell Wong (CDFG) noted that Riverside County is currently working on a plan to include the burrowing owl and suggested that plan may have an appropriate solution. Oviatt indicated that solutions for one plan may not work for another (i.e. killing squirrels so burrowing owls can make use of their burrows would not work due to Mohave ground squirrel concerns). Wong noted that CDFG is striving for consistency between plans where possible, and indicated that the administrative draft for the Riverside County plan is about to be released.

In regards to the desert cymopterus, LaPre indicated that he had been waiting for the meeting on conservation on military lands to take place, however, since this meeting has been canceled, he will go ahead and develop a proposal for the next Task Group 1 meeting. Mike Connor asked whether it is appropriate to discuss bats in the Great Basin Bioregion today, since almost all bat roosts are on military bases.

- **Mojave monkeyflower**

Larry LaPre indicated that he met with San Bernardino County, mining interests, BLM

representatives and others regarding the Mojave monkeyflower conservation area in the Brisbane Valley and is proposing a modification. This modification would define a mining area within the conservation area where there would be flexibility for the miners to do their own set aside and mitigation bank. Ileene Anderson noted that the biggest site of monkeyflowers is located on the mine site. Lorelei Oviatt expressed concern that this approach may be a problem if it provides credence to the concept of additive mitigation for multi-species. Oviatt noted that the proposal would in effect be directed mitigation to the one species, without contribution to others. Mike Connor asked whether there would be mineral withdrawal for the rest of the conservation area. Larry LaPre responded “yes” and added that there would not, however, be mineral withdrawal for the defined mining area. Randy Scott clarified that the mineral withdrawal would affect public lands within the conservation area only. Connor also asked whether the 1% cap would apply to the entire Mojave Monkeyflower conservation area. Bill Haigh responded that if an area is within the Habitat Conservation Area (HCA) the 1% cap would apply. Oviatt suggested that the proposal be presented as a part of the mining strategy, rather than as part of the plant strategy, and noted that mining has to occur where the resource to be mined exists.

- **Gray vireo**

Larry LaPre noted that he has deleted the gray vireo conservation area north of Phelan. San Bernardino County presented significant concerns regarding this proposal, and it was determined that sufficient protection remains for this species in other parts of the plan area including the conservation area for the carbonate endemics. LaPre indicated that coverage will be sought for this species.

- **Species Scorecard**

LaPre noted that he handed out a new species scorecard at the last meeting. LaPre stated that Ray Bransfield, USFWS, indicated that the West Mojave Plan can take credit for existing conservation such as wilderness areas. Therefore, for several species, coverage can be obtained if it can be shown that existing conservation is sufficient. LaPre also indicated that under federal law, coverage can be given for non-listed species; it is unclear, however, whether this is the case under state law, even though CDFG has done so. It is clear that coverage can be granted for non-listed species under the NCCP program. Darrell Wong noted that authority for the issuance of Section 2081 permits to unlisted species has not been tested in court.

Mike Connor asked whether staff is confident that the yellow-eared pocket mouse can be protected. LaPre responded that 80% of this species range is public land. He also noted that much of its habitat in the eastern Sierra Nevada is within wilderness.

Ileene Anderson asked whether the Kelso Creek monkeyflower is still a dropped species. LaPre responded “yes.”

Multi-Species: Great Basin-Mojave Transition

Larry LaPre provided an overview of this bioregion noting that it contains several wilderness areas, and is primarily military and BLM land. Most of the private land is in and around Ridgecrest.

Bill Haigh asked for a list of discussion points, and the discussion proceeded on the following topics:

- **Inyo California towhee and Panamint alligator lizard**

Mike Connor noted that there is a potential that the Inyo California towhee could be delisted before the West Mojave Plan is in effect. Since the towhee shares habitat with the Panamint alligator lizard, Connor wants to ensure that protections for the lizard remain in place whether or not the towhee is delisted. Larry LaPre indicated that the protections would remain in place even if the towhee is delisted. LaPre noted that if you protect the springs for the towhee, then you also protect the lizard. LaPre also indicated that coverage for the species will be judged on the conservation provided on BLM and private lands if no agreement is reached with the military. Approximately 98% of the towhees are on public and military lands, and approximately 2% are on private land - mostly in Homewood Canyon. The incidental take permit would be for the 2% private lands.

Fencing of the springs was discussed. LaPre indicated that the fencing is to keep burros away from the springs. Marie Brashear noted that any fencing would have to be favorable to bighorn sheep. LaPre also clarified that the bighorn sheep are no longer called Nelson's bighorn as they are all one species with no subspecies.

Mike Connor asked for information regarding which springs are designated for salt cedar and Phragmites removal. Marie Brashear expressed concern that removal not take place if there is no alternate plant cover for the species.

It was noted that the area affected is not a herd management area. Mike Connor noted that the document calls for reducing the wild horse population. LaPre indicated he would correct this.

- **Springs in Argus Mountains**

Courtney Smith, Inyo County, would like to see a map of the springs in the Argus Mountains from which water rights are proposed to be secured. Sophia Merk asked that the Inyo County Board of Supervisors be made aware of this proposal.

- **Clarification on LeConte's thrasher**

LaPre clarified that the DWMAs and other conservation areas are considered to be sufficient conservation for LeConte's thrasher.

- **Bats**

Bob Strub asked why the distance from bat roosts was increased from 1/4 mile to 3 miles for Townsend's's big-eared bats and 5 miles for California leaf-nosed bats. LaPre noted that in the Great Basin area, the affected washes are almost entirely on the Navy Base, and very few maternity and hibernation roosts exist. The distance was derived from the distance that Townsend's's bats and California leaf-nosed bats forage over desert washes. The intent is to protect desert wash or riparian vegetation near the roosts. If new bat roosts are discovered, then this would be an adaptive management prescription that would come into play. LaPre noted that there are 18 significant roosts, and that six to eight of the significant roosts already have iron bars over the mine shafts. Bob Strub stated that installing the iron bars closes the site to mineral resource extraction. Strub asked whether species accounts for bats are available. Bill Haigh responded that Dr. Bill Boarman is still working on the bat accounts, and they will hopefully be completed soon. Haigh noted that he will e-mail the bat accounts to the Task Group as soon as they are available.

Randy Scott asked whether the bat strategies apply everywhere or just within conservation areas. LaPre responded that the strategies apply wherever there is a significant bat roost. Haigh added that if a next site occurs outside the HCA, the provisions would still apply. Lorelei Oviatt expressed concern about the survey requirements for determination of significant roosts, in particular the requirement for surveying abandoned buildings. LaPre indicated that if a proposed development has an old abandoned building on the site, under this provision, that building would need to be surveyed. Oviatt expressed concern that this would be difficult for the jurisdictions to implement. Jeanette Hayhurst concurred and indicated that local government needs better criteria or maps of where they need to do the surveys. Mike Connor noted that not all bats are a concern, and recommended focusing the requirement down to the two species of concern and identify more specifically where surveys would need to be done. LaPre clarified that the survey requirement only applies when there are 25 or more bats of any species or 10 or more of Townsend's's and leafnose bats. Randy Scott asked that this clarification be added to the strategy. Scott also suggested that staff add clarification as to where the measures apply (i.e., HCA, ITA, or site specific), and added that he would need to see better justification to include a building as a significant issue for the species. Scott has less of a problem with point specific information, but does not see the data to support the requirement for a survey of abandoned buildings.

Mike Connor asked whether it is easy to tell the difference between bat species. LaPre responded that it is simple with microphones and a computer with appropriate software. Lorelei Oviatt asked what would need to be done on a private property with a mine shaft

that the property owner wants to fill in.

Darrell Wong indicated he would go back to the bat specialists to see about the building issue. Randy Scott noted that abandoned buildings may also be a cultural resource issue under CEQA during project review.

Jeri Ferguson asked whether there is documentation that supports the contention that routes affect bats if within the 3 to 5 mile range. LaPre clarified that the intent is to protect the vegetation in the wash, and that routes within washes may destroy vegetation. Ferguson indicated that she wants to see the data that routes would affect the vegetation. Jeanette Hayhurst suggested getting Darrell Wong, Jeri Ferguson, and Larry LaPre together to work out this issue. Haigh noted that Darrell Wong will get back to the group regarding whether routes must be closed or be monitored and closed if needed.

- **Plants**

Ileene Anderson noted that there is nothing in the covered plants section that calls out strategies within the species habitat range. Anderson also stated that simply acknowledging that plants are on BLM land does not necessarily guarantee protection, and that there is great value in identifying conservation areas for the plant species. Anderson indicated that conservation across the species range is the most effective way to conserve plant species. Larry LaPre indicated that the best thing to do for plants is to ensure they are not run over. LaPre noted that all of the plants addressed are within the MGS conservation area. Anderson reiterated that she would like to see conservation areas defined for all the species. Lorelei Oviatt asked whether there is a connection between the occurrence of the plants (Red Rock poppy, Red Rock tar plant, and Charlotte's phacelia) and the routes within the El Pasos. Oviatt indicated that the purpose of establishing Red Rock Canyon State Park was to protect the tar plant and poppy, and asked why more retention is needed in the El Pasos. Alisa Ellsworth from CDFG indicated agreement with Ileene Anderson's request to show conservation areas for all species and across the range of the species. Marie Brashear also agreed with this approach.

Oviatt indicated she is concerned with language in the document indicating that route designation would conserve plants seems to imply that routes need to be closed to benefit the species. LaPre explained that the language in the document refers to the contribution that designating routes can make towards ensuring that drivers do not wander off of routes. Bill Haigh noted that if routes are designated and signed, and people don't wander off the roads, then the plants will be protected. Thus the language refers to route designation, not route closure. Debbie Stevens indicated that Last Chance Canyon is an important area for equestrians. Stevens noted that unless the main routes are maintained to ensure passage, other routes will be created to get around poorly maintained areas. Bill Haigh indicated that Larry LaPre will work on the language regarding route designation.

Ed Waldheim indicated that it is important to take the closed routes completely out of the system by physically removing the roads from line of sight.

- **Route Designation**

Jeri Ferguson noted that she is concerned about how routes in washes will be dealt with in areas with unknown bat species. Ferguson also asked how and when route designation would be handled in the Argus Range per the prairie falcon strategy.

- **Bighorn sheep**

Bob Strub asked what private lands are being proposed for purchase per the bighorn sheep strategy. Strub noted that there is very little private land within this bioregion, and what is remaining is an important tax base for the counties. Strub asked what the biological reasons are for this purchase. LaPre noted that there is a separate ongoing BLM program for these purchases and that all purchases are from willing sellers. Marie Brashear stated she does not want to see fees or grants from the West Mojave Plan used to purchase wilderness land, and asked that the plan language be clarified that other BLM funds would be utilized for these purchases.

Lunch - 12:00 PM to 1:35 PM

Multi-Species: Central

Larry LaPre noted that this bioregion is within the heart of the West Mojave Plan, and includes most of the DWMA. The following points were discussed:

- **Swainson's hawk**

Darrell Wong asked why Swainson's hawk was recommended to be dropped from the plan. Larry LaPre responded that there are less than five known nest sites in the West Mojave and these are on ranches. LaPre noted that the hawk appears to be extirpated from the West Mojave except for these few sites. Mike Connor stated he feels the plan is obligated to do something to bring the hawk back into the plan area. LaPre responded the conservation efforts should be focused in the East Mojave as it is better habitat for the hawk which nests in Joshua trees.

- **Plants**

Alkali mariposa lily: Ileene Anderson stated she wants to see surveys for the mariposa lily in the incidental take areas. LaPre indicated that surveys of alkali seeps and springs are being conducted by CDFG. Alisa Ellsworth, CDFG, verified that surveys are going to occur, and indicated that if populations are found, CDFG would like to include those

populations in the plan. Ellsworth asked that some mechanism be put into place to allow newly located populations to be included in the plan. Lorelei Oviatt asked for a breakdown of public and private acreage for the alkali mariposa lily and Barstow woolly sunflower conservation areas, and would like an acreage chart for Kern County, showing all plants on one chart. Oviatt also indicated concern with the concept of mariposa lily surveys in the incidental take area, and the concept of potentially expanding a conservation area. Oviatt noted that federally listed plants do not have the same protections as other listed species on private lands. Ileene Anderson explained that her primary objective is to ensure that the full range of the species is documented, and that if a large population is located, adaptive management will be in place to provide protection for that population. Anderson indicated that if some mechanism is not included within the plan for surveys for this plant, CNPS would most likely petition to list the species. Haigh asked whether structuring the plan to cover monitoring the plant would suffice. Anderson indicated that the data regarding plant locations is needed prior to monitoring. LaPre stated that the highest potential for the mariposa lily exists around playas, mostly within the Tortoise DWMA, and noted that the plan calls for acquiring a site at Paradise Springs.

Parish's phacelia: Ileene Anderson expressed concern that the entire conservation area for Parish's phacelia could be wiped out with the 1% cap on land development in the HCA. Anderson would like to see language added to the plan to ensure that this could not happen. Marie Brashear suggested language be included that regardless of the 1% cap, the entire population of a species may not be disturbed. Bill Haigh indicated that staff would include the language suggested by Brashear.

Crucifixion thorn: Mike Connor asked that the record reflect that the Catellus acquisition is happening regardless of the West Mojave Plan, and is not new conservation.

Lane Mountain milkvetch: In relation to club mining, Bob Strub asked who would be responsible for monitoring the milkvetch and what would trigger an action. LaPre indicated that USFWS is concerned about the club mining as it is an unregulated form of mining. LaPre indicated that most of the club mining is at Camp Coolgardy which is an area where the milkvetch is not found. LaPre noted he would overlay claims onto milkvetch habitat and see if and where habitat and claims conflict, and added that milkvetch is in a severe situation since of its population is within the Fort Irwin expansion area making strict enforcement necessary. Marie Brashear recommended sitting down with mine club members to work out a program to protect the plants near club mine activities. LaPre noted that all known plants have been mapped using global positioning system equipment so locations can be easily identified. Ileene Anderson noted that plant locations will change over time, and that there needs to be a program to regularly reevaluate where the plants are located. Tim Read indicated that casual mining use does not permit the removal of perennial vegetation which will provide protection to the milkvetch which is typically associated with a perennial host plant. Ileene Anderson noted that about 12% of the plants are not associated with a host plant. Mark Hagan indicated

that rather than requiring plant surveys with development, funding should be considered for generalized surveys which would be more in line with the goal of streamlining the permitting process and would also help in monitoring overall plant populations. Discussion occurred regarding the Biological Opinion being prepared by USFWS on the 1980 California Desert Plan which will address the milkvetch. Bill Haigh noted he will post the biological opinion on the web site or e-mail it to group members once it is finalized.

Barstow woolly sunflower: Lorelei Oviatt asked for clarification of Objective 3, specifically the size of the area referenced and a break-out of acreage of public and private lands. Oviatt asked for clarification as to the exact location of the conservation area boundaries, and how the interim boundaries would work. She also expressed concern regarding the ability to defend the 1% cap in an interim area. LaPre noted that desert cymopterus is also in this area, and that there will be more discussion in association with that species at the next meeting.

- **Land acquisition**

Bob Sackett asked what the method will be to acquire private lands in conservation areas. LaPre responded that lands would be acquired from willing sellers, and noted that a methodology for prioritizing acquisition areas is being developed. For example, areas with multiple species would have a higher priority than sites with only one species, and sites with listed species would be given priority over sites without listed species. Marie Brashear indicated that the area around Kramer Junction would likely have a high priority, and asked to see the prioritization. Bill Haigh indicated staff would bring the acquisition strategy back to the group.

- **Significant Ecological Areas (SEAs)**

Darrell Wong asked whether the timing of Los Angeles County's adoption of changes to its Significant Ecological Areas (SEA) would work for the West Mojave Plan. Larry LaPre responded that it is not yet clear. Peter Kiriakos expressed concern that the Los Angeles County SEAs do not include measures to conserve habitat or species.

- **Route designation**

Jeri Ferguson asked that her concern be restated that route maps are not available to review.

Mojave Fringe-toed Lizard

Larry LaPre gave an overview for this species and noted that it lives in sand dunes and fields with a certain size of sand grain. The Mojave River and the Amargosa River form the fringe-toed

lizard habitat. The species is very difficult to protect as its habitat depends on a broad ecosystem process. The lizard depends on sand grains 1/10th to 1mm in size. LaPre noted that the lizard is not truly threatened at this time, and there are several areas of its habitat that are already protected. LaPre added that if the lizard experiences a decline, it will be difficult to bring it back.

Peter Kiriakos noted that it is clear from the Coachella Valley experience with the fringe-toed lizard that you need to protect the sand source which can be challenging in urbanized areas. LaPre indicated that the Mojave River still provides a source for sand deposits near Barstow and Yermo, and the source is still functioning along Big Rock Creek. In the remaining areas, however, the sand source is interrupted by windbreaks, development, etc. Stabilized dunes that become vegetated are no longer habitat for this species. Kiriakos would like to see protections included in the plan in order to help the species from becoming threatened or endangered.

Peter Kiriakos suggested adding language to preserve the plants that help provide the food source for the lizard. Jeri Ferguson added that juvenile fringe-toed lizards use Russian thistle and other plants to hide.

For the conservation plan, certain areas such as Twenty-nine Palms and the open areas would become incidental take areas, while other areas would be placed into an adaptive management regime. It was noted that the dunes in the city limits of Twenty-nine Palms are all private property, but undeveloped. Marie Brashear indicated she would approach the city of Twenty-nine Palms regarding protection within that city.

LaPre indicated that maps showing lizard habitat near the Barstow area would be included in the Mojave River Bioregion to be discussed at the next meeting. LaPre asked that the group provide feedback by the next Task Group meeting on whether to pursue protections for this species.

Next Meeting

Bill Haigh stated that for the next meeting the Mojave Bioregion, Rand Mountain and other clean-up items will be discussed. The next meeting is scheduled for Thursday, March 21, 2002. He noted that there will also be a Task Group 2 meeting in the evening on that same day. Lorelei Oviatt asked whether the amended Notice of Intent is still scheduled for release in April. Haigh indicated that the team is trying to meet that date.